

# Late Backup

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## RESOLUTION NO.

**WHEREAS**, Planned Unit Development (PUD) district zoning is a unique zoning category that allows flexibility beyond conventional zoning and subdivision regulations; and

**WHEREAS**, PUD district zoning aims to produce development that achieves superior community benefits and values than that which can be achieved under conventional zoning; and

**WHEREAS**, Sec. 211.006 of the Texas Local Government Code permits a city to require the affirmative vote of at least three-fourths of its City Council to overrule the denial of the city's zoning commission with regard to a proposed zoning case; and

**WHEREAS**, Sec. 25-2-284 of the Land Development Code requires a three-fourth majority vote of the City Council to approve a proposed rezoning when the City's Land Use Commission recommends denial of an application to rezone a property to a Planned Unit Development; and

**WHEREAS**, Sec. 25-2-284 fails to capture situations where PUD zoning is sought on unzoned property that has yet to be designated with an initial zoning district; and

**WHEREAS**, the City Council intends to adopt a code amendment that would treat unzoned and zoned properties the same for purposes of achieving a Planned Unit Development; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN**

The City Manager is directed to initiate a code amendment to § 25-2-284 of the Land Development Code and work with the Planning Commission to address

the concern that residents adjacent to unzoned properties are not treated in the same manner as residents adjacent to zoned properties.

**BE IT FURTHER RESOLVED**

Because the City Code already requires the affirmative vote of three-fourths of the members of the City Council when the Land Use Commission recommends denial of an application to rezone a zoned property to a PUD, the City Manager and the Planning Commission should consider initiating an amendment to the Land Development Code to apply this same provision for land that is currently unzoned. The City Manager and the Planning Commission should consider and may recommend other ideas or solutions that might help address the discrepancy in the process between zoned and unzoned land.

**BE IT FURTHER RESOLVED**

That the City Manager is directed to bring back the code amendment for review and consideration by the City Council within 75 days (or as soon thereafter as possible), which should include review by the Planning and Neighborhoods Committee for a recommendation to the full City Council.

**ADOPTED:** \_\_\_\_\_, 2015

**ATTEST:** \_\_\_\_\_

Jannette S. Goodall  
City Clerk